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7
8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION**
10

11 In re
12 The Litigation Practice Group P.C.,
13 Debtor.

Case No. 8:23-bk-10571-SC

Chapter 11

**STIPULATION OF TRUSTEE,
COMMITTEE AND MORNING LAW
GROUP RE:
1) WITHDRAWAL OF MOTION FOR
PROTECTIVE ORDER WITHOUT
PREJUDICE; AND 2) WITHDRAWAL OF
OBJECTION TO MEDIATION**

Date: June 11, 2024
Time: 3:00 p.m.
Crtrm.: 5C – In-Person

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19 Richard Marshack, as Chapter 11 Trustee (the “Trustee”), the Official Committee of
20 Unsecured Creditors (the “Committee”), and Morning Law Group, P.C. (“MLG”) (collectively,
21 the “Parties”), through their attorneys, hereby stipulate as follows:
22

23 **RECITALS**

- 24 1. On June 3, 2024, MLG filed a *Motion for Protective Order* (doc. no. 1278).
25 2. On June 5, 2024, the United States Trustee filed an objection to hearing the motion
26 on shortened time (doc. no. 1296).
27 3. On June 5, 2024, MLG and the Trustee filed a *Request for Assignment to Mediation*
28 *Program* (doc. no. 1298).

1 4. On June 5, 2024, the Committee filed an objection to the mediation request (doc.
2 no. 1299).

3 5. On June 6, 2024, the Court entered an order setting both matters for hearing on
4 June 11, 2024, at 3:00 p.m.

5 6. Since then, MLG has provided documents to the Committee in response to the
6 Committee's audit on a "professionals' eyes only" ("PEO") basis, and the Committee has received
7 additional information regarding the nature of the dispute that is the subject of the requested
8 mediation. Based on this and further negotiations of the Parties, the Parties have agreed and
9 hereby stipulate as follows, subject to Court approval:

10
11 **STIPULATION**

12 7. The above recitals are incorporated herein by this reference.

13 8. The terms hereof are subject to the Court's approval of an order substantially in the
14 form of Exhibit "1" hereto.

15 9. MLG and the Trustee agree that the nature of the dispute that is the subject of the
16 requested mediation is as follows:

17 The dispute is an issue of contract interpretation with respect to Section 2(b) of the
18 Agreement of Purchase and Sale and Joint Escrow Instructions ("Purchase
19 Agreement"). MLG's interpretation is that the Active Executory Contracts are
20 those identified on Addendum A-3 to the Purchase Agreement described in
21 Sections 1(a)(3) and 1(a)(10). The Trustee's interpretation is that the Active
22 Executory Contracts are the "active paying files" described in Section 1(a)(3), from
23 whom the Trustee processed payments in July 2023. Each interpretation yields a
24 different number of Active Executory Contracts, the resolution of which will
25 determine the amount of the Fee owed under the Purchase Agreement.

26 10. In light of the limited scope of the issue to be mediated as set forth in this
27 Stipulation, the Committee withdraws its objection to the mediation request and shall be entitled to
28 fully participate as a party to the mediation, and the undersigned jointly request the Court's entry
of the order appointing Judge Albert as mediator. Subject to Court approval, the Parties will
commence mediation on June 24, 2024, or such other day as agreed to by all of the Parties in
writing.

11. The Committee agrees to continue to maintain documents it has received from

1 MLG on a PEO basis, and the Committee will not file or share such documents except pursuant to
2 the procedures set forth in the existing protective order (doc. no. 599) between the Committee and
3 MLG for the filing of Audit Materials under that order. Nothing contained in this Stipulation is
4 intended to waive, nor shall be construed as a waiver of, any rights or remedies the Parties may
5 have under the APA or applicable law. All such rights, remedies and claims are expressly
6 preserved.

7 12. Based on the terms hereof, MLG withdraws its Motion for Protective Order without
8 prejudice to a future request for protective order.

9 13. The Parties respectfully request that the Court approve and give effect to this
10 stipulation by entering the proposed order attached hereto as Exhibit "1."

11
12 DATED: June 10, 2024

SAUL EWING LLP

13
14 By: 

15 ZEV SHECHTMAN

16 Attorneys for Morning Law Group, P.C.

17 DATED: June 10, 2024

FOX ROTHSCHILD LLP

18
19 By: 

20 KEITH C. OWENS

NICHOLAS KOFFROTH

21 Attorneys for Official Committee of Unsecured
22 Creditors

23 DATED: June __, 2024

DINSMORE & SHOHL LLP

24
25 "Signature on next page"

By: _____

26 CHRISTOPHER GHIO

27 Attorneys for Richard A. Marshack, Chapter 11
28 Trustee

1 MLG on a PEO basis, and the Committee will not file or share such documents except pursuant to
2 the procedures set forth in the existing protective order (doc. no. 599) between the Committee and
3 MLG for the filing of Audit Materials under that order. Nothing contained in this Stipulation is
4 intended to waive, nor shall be construed as a waiver of, any rights or remedies the Parties may
5 have under the APA or applicable law. All such rights, remedies and claims are expressly
6 preserved.

7 12. Based on the terms hereof, MLG withdraws its Motion for Protective Order without
8 prejudice to a future request for protective order.

9 13. The Parties respectfully request that the Court approve and give effect to this
10 stipulation by entering the proposed order attached hereto as Exhibit "1."

11
12 DATED: June __, 2024

SAUL EWING LLP

13
14 By: _____

15 ZEV SHECHTMAN

16 Attorneys for Morning Law Group, P.C.

17 DATED: June __, 2024

FOX ROTHSCHILD LLP

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19 By: _____

20 KEITH C. OWENS

21 NICHOLAS KOFFROTH

22 Attorneys for Official Committee of Unsecured
23 Creditors

24 DATED: June 10, 2024

DINSMORE & SHOHL LLP

25 By:  _____

26 CHRISTOPHER GHIO

27 Attorneys for Richard A. Marshack, Chapter 11
28 Trustee

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EXHIBIT 1

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11 In re
12 The Litigation Practice Group P.C.,
13 Debtor.

Case No. 8:23-bk-10571-SC

Chapter 11

**ORDER APPROVING STIPULATION OF
TRUSTEE, COMMITTEE AND
MORNING LAW GROUP RE:
1) WITHDRAWAL OF MOTION FOR
PROTECTIVE ORDER WITHOUT
PREJUDICE; AND 2) WITHDRAWAL OF
OBJECTION TO MEDIATION**

Date: June 11, 2024
Time: 3:00 p.m.
Crtrm.: 5C – In-Person

14
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19
20 Richard Marshack, as Chapter 11 Trustee (the “Trustee”), the Official Committee of
21 Unsecured Creditors (the “Committee”), and Morning Law Group, P.C. (“MLG”) (collectively,
22 the “Parties”), having submitted their Stipulation of Trustee, Committee and Morning Law Group
23 re: 1) Withdrawal of Motion for Protective Order Without Prejudice; and 2) Withdrawal of
24 Objection to Mediation (the “Stipulation”); good cause appearing therefor; it is hereby

25 **ORDERED THAT:**

- 26 1. The Stipulation is approved.
27 2. MLG’s *Motion for Protective Order* (doc. no. 1278) is deemed withdrawn without
28 prejudice.

1 3. The Committee's objection (doc. no. 1299) to the *Request for Assignment to*
2 *Mediation Program* (doc. no. 1298) is deemed withdrawn.

4 ####

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding.
My business address is:

Saul Ewing LLP, 1888 Century Park East, Suite 1500, Los Angeles, CA 90067

A true and correct copy of the document entitled: **STIPULATION OF TRUSTEE, COMMITTEE AND MORNING LAW GROUP RE: 1) WITHDRAWAL OF MOTION FOR PROTECTIVE ORDER WITHOUT PREJUDICE; AND 2) WITHDRAWAL OF OBJECTION TO MEDIATION** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **June 10, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

SEE ATTACHED

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On **Date, 2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **Date, 2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

June 10, 2024
Date

Easter A. Santa Maria
Printed Name


Signature

SERVICE VIA NEF:

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